

EXHIBIT 6

DECLARATION OF JAMES WINN

I, James Winn, under the penalty of perjury, herby declare and state the following:

1. I am currently the Senior Vice President of Sales and Marketing for the Power Tool Division of Techtronic Industries North America, Inc. ("TTINA"). TTINA is a subsidiary of Techtronic Industries Co., Ltd. ("TTI"). I am responsible for sales and marketing of all power tools.
2. TTI and TTINA (hereinafter collectively "TTI") are among the world's leading manufacturers of power tools.
3. I am familiar with the different lines of power tools designed, manufactured, and sold by TTI.
4. TTI sell products under the Ryobi® brand and also manufacture power tools under other brand names.
5. TTI are leading innovators in the power tool industry and are constantly looking to provide new and innovative tools.
6. TTI developed a unique laser level product that is sold under the Ryobi® brand name as the AIRgrip™ Laser Level.
7. TTI spent 16 months and more than 2 million dollars in securing the rights to and designing and developing the AIRgrip™.
8. During the development of the AIRgrip™, TTI approached their longtime customer, The Home Depot, to see if The Home Depot had any interest in selling the AIRgrip™.
9. During TTI's discussions with The Home Depot concerning The Home Depot's purchase of the AIRgrip™, TTI informed The Home Depot that TTI has patent protection for the AIRgrip™. The patent protection is the result of an exclusive license obtained by TTI for the rights to U.S. Patent No. 6,382,574 ("the Pando patent").

10. The Home Depot ultimately decided to sell the AIRgrip™, and since its inception, the AIRgrip™ has been sold exclusively in The Home Depot stores across the U.S. under the Ryobi® brand name.

11. The Home Depot began selling the AIRgrip™ product in September 2004, and to date, The Home Depot has sold more than 500,000 units.

12. Since that time, The Home Depot has been the exclusive retailer for the suction-mounted laser level and there have been no other suction-mounted laser level products on the market.

13. TTI's relationship with The Home Depot is based, in large part, on TTI's ability to provide The Home Depot with new and innovative products, such as the AIRgrip™.

14. TTI's relationship with The Home Depot is also based on TTI's ability to provide The Home Depot with products that are unique and different from what The Home Depot's competitors are selling.

15. The AIRgrip™ satisfies all of these criteria and has been a central focus of The Home Depot's advertising campaign over the last year.

16. The Home Depot has devoted millions of dollars on marketing the AIRgrip™, focusing on the AIRgrip™'s innovation and uniqueness, and relying upon the exclusive rights that TTI have regarding this product as a result of their rights under the Pando patent.

17. The AIRgrip™ product has been the centerpiece for one of The Home Depot's advertising campaigns that focused on the innovative and new products available at The Home Depot. The campaigns included several print ads as well as television commercials during the 2004 holiday season and 2005 Father's Day. Some examples of the print ads are attached at Exhibits A-C). A key to making the AIRgrip™ the focal point of this advertising campaign is

the fact that The Home Depot is the exclusive seller of suction-mounted laser levels and TTI have patent protection for the AIRgrip™. (Exhibits A-C).

18. The Home Depot has emphasized that the AIRgrip™ has patent protection in its marketing and promotional materials. (Exhibits A, B).

19. Sears, a direct competitor of The Home Depot, has announced that it intends to sell a suction-mounted laser level product starting in October 2005. (Exhibit D).

20. It is my understanding that this product will be manufactured under the brand name "Craftsman" for Sears by Chervon, a Chinese company.

21. It is my belief that the Sears product is intended to compete directly with the AIRgrip™. Sears has not had a laser level product in the past that used a motorized suction cup.

22. If Sears starts selling a competing product, The Home Depot will likely lose sales, which will result in lost profits for both The Home Depot and TTI. Even more damaging is the loss of the exclusive market share that TTI and The Home Depot have worked hard to develop for the AIRgrip™. The adverse affects resulting from a loss of market share are difficult to quantify and to compensate for, and could be irreversible.

23. It is also my belief that the presence of a competing product in the marketplace will devalue the technology and patent though the loss of the exclusive position that TTI and The Home Depot currently have.

24. The Home Depot's advertising campaign focusing on the new, innovative, and unique nature of the AIRgrip™, on which The Home Depot has made significant expenditures, will be significantly weakened due to the presence of a competing product. Also, the focus of The Home Depot's future advertising campaigns will likely shift to other products and manufacturers which will result in a weakening of the Ryobi® brand name. This weakening

could be irreversible in that Ryobi® brand products are sold only at The Home Depot and TTI relies on The Home Depot for promotion of Ryobi® branded products and the Ryobi® brand name.

25. Because of the adverse affect on The Home Depot®'s sales and marketing that Chervon's introduction of a competing product will likely have, TTI's reputation for providing The Home Depot with unique and innovative products will be forever damaged. Such damage is difficult to quantify and to compensate for.

26. The Home Depot's willingness to invest significant monies in marketing future TTI products will likely be damaged if the patented exclusivity associated with the AIRgrip™ is lost due to a competing product from a competing retailer. Such damage is difficult to quantify and to compensate for.

27. TTI's reputation in the eyes of other competitors will likely also be damaged as those competitors will be encouraged to disregard TTI's intellectual property rights. Such damage is difficult to quantify and to compensate for, and could be irreversible.

28. The adverse effects on TTI and The Home Depot's relationship resulting from Sears introducing a competing product may also carry over to other products that TTI currently provides to The Home Depot, as well as to future products that TTI may provide to The Home Depot. Such damage is difficult to quantify and to compensate for.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 7/28/05

By: 

EXHIBIT A



**You can do it.
We can help.**

WE'RE AMERICA'S LARGEST TOOLBOX

NO PAYMENTS, NO INTEREST FOR 12 MONTHS*

on any purchase of \$299 or more on your Home Depot or EXPO® Consumer Credit Card from October 14, 2004 through October 27, 2004.

*When purchased with your Home Depot Consumer Credit Card. Additional terms apply. See inside for key credit terms.



NEW

Husky 60-Piece Ratchet and Socket Set
Polished chrome vanadium finish. Roundhead ratchet.

\$39⁹⁶

64715 (172381)



NEW

Easy Air To Go™ Fully Shrouded Compressor
Telescoping handle and wheels. 135 max PSI and 2.0 SCFM @ 90 PSI. Enough air for brad nailing, paint spraying, inflation and many others.

\$119

Y1010 (496555)



NEW

DeWalt 14.4-Volt XRP™ Hammerdrill and Impact Driver Combo
Includes screwdriver bit, 1-hour charger, 2 rechargeable XRP™ batteries and contractor bag.

\$229

DC984A (373398)

Over a \$225 value versus purchasing the tools separately!

NEW EXCLUSIVE AIRGRIP® LASER LEVEL



RYOBI

NEW AirGrip®

- Mounts to virtually any surface with patented, non-marring AirGrip® vacuum base.
- Multi-use base with ability to mount base on tripod, secure to objects with straps or use mounting pins to secure to objects vacuum base will not operate on.
- Includes mounting pins, 2 AA batteries and padded custom case. E11001 (367457)

\$39⁹⁶

**Only at
The Home Depot®**

EXHIBIT B

GIFTS MADE EASY

Surprise them with
the perfect gifts



**THE HOME
DEPOT GIFT
CARD**, the
perfect fit for the
Do-It-Yourselfers
on your list

Only at The Home Depot®



Mounts to virtually
any surface with
patented, non-marring
AIRgrip™ vacuum base



NEW Ryobi® AIRgrip™ Laser Level
360° multi-directional rotating head with a 90°
rotating lens great for level, plumb and angle
use. Multi-use base with ability to mount base on
tripod, secure to objects with straps or use
mounting pins to secure to objects vacuum base
will not operate on. Includes mounting pins,
2 AA batteries and padded custom case.

\$3996 EUJ001 (367457)



Includes
21-Piece
accessory Kit

Husky® 8-Gallon Horizontal Oil-Free Compressor Kit
Powerful 2.75 Peak HP/1.5 Running HP motor. Integrated hose reel with
16' hose.

\$169 H2750BUWK (171307)



Husky® Portable Power System
Works as 450 AMP jumpstarter, 400 watt power inverter, 260
PSI air inflator, 12-volt power outlet, 3 LED area light and 120-
Volt AC quick charger.

\$8999 HSK037HD (386989)

EXHIBIT C

FALL 2004



You can do it.
We can help.

TOOL BOOK

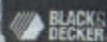
AMERICA'S **LARGEST** TOOL BOX

TRUSTED **BRANDS**,
SUPERIOR **INNOVATION**
AT UNMATCHED **VALUE.**

Skil® 7 1/4" Circular Saw with \$10 Mail-in Rebate Page 43

Ryobi® Laser Level with AirGrip™ Vacuum Base Page 85

CLC® 2-pk. Work Gloves Page 123



BOSCH

DELTA

DEWALT

EMCO

HUSKY

IRWIN

MILWAUKEE

PORTER
+ CABLE

RIDGID

RYOBI

SKIL

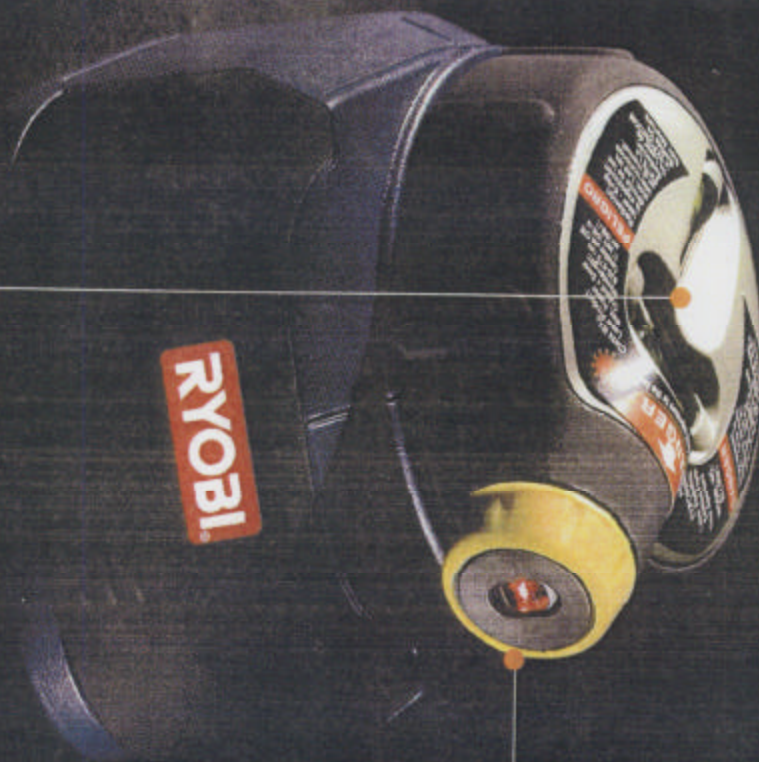
STANLEY

LASER TOOLS



You can do it.
We can help.

**HORIZONTAL
AND VERTICAL
LEVELING
BUBBLES**



**LASER HEAD
ROTATES 360°**

**REVOLUTIONARY
AIRGRIP™ TECHNOLOGY**



RYOBI

NEW! ONLY AT THE HOME DEPOT

Laser Level with AirGrip™ Vacuum Base
ELL001 (367457)

- Mounts to virtually any surface without causing damage or additional expensive adhesives
- Level, plumb and angle measurements
- 90° rotating lens

TWO-YEAR LIMITED WARRANTY

\$39.97

CALL 1.800.628.0849

CLICK homedepot.com

VISIT your local store

EXHIBIT D

CRAFTSMAN®

MEDIA CONTACT
Mike Mangan, MKM Comm.
(847) 515-3436
mkmcomm@foxvalley.net

Larry Costello, Sears
(847) 266-9036
lcoste5@sears.com

FOR IMMEDIATE RELEASE
June 2005

TWO NEW CRAFTSMAN LASER LEVELS TAKE ACCURATE AIM AT PROJECT VERSATILITY

HOFFMAN ESTATES, Ill. – It's easy to keep home projects on the straight and narrow with two new accurate and innovative Craftsman® laser leveling tools. The **Craftsman Self-Leveling Laser Trac™ Level** and **Craftsman Accu-line 360 Laser Trac Level** are the latest in a line of precision leveling tools designed for homeowners, advanced do-it-yourselfers and builders alike.

Both new Craftsman levels project laser lines that are accurate within plus-or-minus 1/4 in. at 30 ft. They're great for installing shelves, kitchen cabinets, chair rail or wainscoting; tiling floors and walls; wallpapering; framing walls; aligning stair rails, and common household projects, such as hanging pictures, curtain rods or blinds.

The **Craftsman Self-Leveling Laser Trac Level** needs no adjustment when placed on most horizontal surfaces. Just set the tool at the height desired with either its precision mounting base or tripod (included) to get a project started. On steep surfaces that are significantly off-level, a tone signals that additional adjustments may be required.

The level's laser generator provides a choice of four modes: horizontal line, vertical line, cross-hairs or auto-level lockout for extreme-angle cross hairs. Regardless of the mode selected, the laser beams can fan out to 100-plus-degree angles for wide area coverage.

-more-

The horizontal laser beam levels the job to the surface, while the vertical beam provides a plumb line. Cross-hairs allow the user to align objects both horizontally and vertically, which is particularly useful in applications such as laying wall tile or mounting large pictures or mirrors.

The laser level's precision mounting base can be used on any flat surface or adhered to other surfaces magnetically, by thin-pins or with a drywall screw. A 66-in. adjustable tripod with level also is included, as well as laser-enhancing glasses, owners' manual and protective carrying case. The laser level is powered by three AA batteries (not included).

The Craftsman Self-Leveling Laser Trac Level (#48250, \$89.99) is expected to be available in August 2005 at Sears and on craftsman.com.

The **Craftsman Accu-line 360 Laser Trac Level** kit includes three handy mounting bases: a battery-powered, air-suction base for finished interior walls; rough wall mounting base; and 360-degree rotational, precision leveling base. No other laser level features a similar assortment of bases to provide the same versatility.

Thanks to the laser level's mounting bases, the tool can be used six ways:

1. On horizontal surfaces measuring 4 in. x 6 in. or larger with the precision leveling base
2. On finished walls with the air-suction base
3. On rough surfaces with the thin-pin wall base
4. Mounted to any 1/4 in. or 5/8 in. threaded tripod (not included)
5. Magnetically to ferrous metal surfaces
6. Hand held.

-more-

New Craftsman Laser Levels/Add Two

All of the mounting bases allow the laser to be rotated a full 180 degrees with positive stops every 45 degrees. The bases attach to the level with a tool-less magnetic connection and enable the laser to be projected on multiple walls.

When mounted on the precision leveling base, the laser can be rotated 360 degrees, allowing the user to both plumb and level. In addition, the precision leveling base indexes as it rotates. The base works great when positioned in the middle of a floor for laying tile. It saves time by allowing the user to set up the level once and then rotate the laser beam to the desired position.

The battery-operated, wall-mount suction base is simply placed on a wall – then a button is pressed to expel air, creating suction. It mounts tightly to smooth, finished surfaces without marring.

The thin-pin wall base is designed to mount the laser on rough surfaces, such as studs or unfinished walls.

Besides three mounting bases, the multi-purpose laser level kit includes laser-enhancing safety glasses, owners' manual and protective carrying case. It is powered by two AAA batteries (not included).

The Craftsman Accu-line 360 Laser Trac Level (#48253, \$49.99) is expected to be available in October 2005 at Sears and on craftsman.com.

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